

AMENDED IN ASSEMBLY MARCH 18, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2494**

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**Introduced by Assembly Member Blumenfield**

February 19, 2010

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An act to add Section 19135 to the Government Code, relating to personal services contracts.

LEGISLATIVE COUNSEL'S DIGEST

AB 2494, as amended, Blumenfield. Personal services contracts.

Existing law authorizes state agencies to use personal services contracts if specified standards are satisfied, including, among other things, the contract does not cause the displacement of civil service employees and the contract is awarded through a publicized, competitive bidding process. The State Personnel Board is required to review a proposed contract upon the request of an employee organization for compliance with those standards.

This bill would require a state agency to immediately discontinue a contract disapproved by action of the board or its delegate unless ordered otherwise by the board *or its delegate*. The bill would prohibit the state agency from circumventing or disregarding the board's action by entering another contract for the same or similar services or to continue the services that were the subject of the contract that was disapproved. *The bill would require the state agency to serve notice of the discontinuation of the contract to the vendor within 15 days from the board's final action, and to serve a copy of the notice on the board and the employee organization that filed the contract challenge.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 19135 is added to the Government Code,  
2 to read:

3     19135. (a) If a contract is disapproved by action of the board  
4 or its delegate, a state agency shall immediately discontinue that  
5 contract unless ordered otherwise by the board *or its delegate*. The  
6 state agency shall not circumvent or disregard the board's action  
7 by entering into another contract for the same or similar services  
8 or to continue the services that were the subject of the contract  
9 disapproved by the board *or its delegate*.

10    (b) *A state agency ordered to discontinue a contract shall serve*  
11 *notice of the discontinuation of the contract to the vendor within*  
12 *15 days from the board's final action unless a different notice*  
13 *period is specified. A copy of the notice also shall be served on*  
14 *the board and the employee organization that filed the contract*  
15 *challenge. Failure to serve this notice may be grounds for rejection*  
16 *of future contracts for the same or similar services that were*  
17 *discontinued.*